

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3094 of 1996

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VRAJLAL RANCHHODDAS PATHAK

Versus

COMPETENT AUTHORITY AND ADDITIONAL COLLECTOR

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Appearance:

MR JR NANAVATI for Petitioner

MR MUKESH PATEL AGP for Respondent No. 1, 2

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.
2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.
3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.
4. It is so found and accordingly held, and the present petition is disposed off accordingly.
5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.
6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.
7. It merely requires to be noted on the basis of

the record of the petition, that the order passed by the Competent Authority at Annexure :A to the petition permits the proceedings to continue under the Act of 1976 only upto the stage of section 10(1). What followed thereafter was an appeal under section 33 filed by the land holder, which came to be dismissed confirming the earlier order of the Competent Authority.

8. By way of ad interim relief granted in the present petition by order dated 25th April, 1990 and continued thereafter, both sides were directed to maintain status quo in respect of the subject matter of the petition. It would therefore appear that no further proceedings have been taken and that the petitioner has remained in possession of the land. It may also be noted that these are mere observations on the basis of the record of the present petition and are not to be regarded as findings of fact on any factual controversy between the parties.

(Y.B. BHATT, J.)

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